

ORIGINAL

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FILED IN OFFICE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

APR 25 2007

at 10 o'clock and 30 min.
SUE BERTIA CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

UNITED STATES OF AMERICA,)	CR. NO. 05-00373 DAE
)	
Plaintiff,)	SUPPLEMENTAL MEMORANDUM
)	RE: RULE 36, FRCP; EXHIBIT "A";
vs.)	AND CERTIFICATE OF SERVICE
)	
LESLIE A. KAKINAMI,)	
)	
Defendant.)	
)	

SUPPLEMENTAL MEMORANDUM RE: RULE 36, FRCP

I.

INTRODUCTION

In the case entitled *United States of America v. Leinaala Reghi*, Cr. No. 05-00487 HG in the United States District Court, District of Hawaii, there was a similar sentencing mix-up as is present in this case before the Court. Namely, a defendant being sentenced on Day 1 in federal court to a term of imprisonment, then on Day 2 the same defendant is sentenced in state court and given that defendant's custody ^{status/CR} as re: primary custody to the State of Hawaii vs. primary custody to the U.S. Attorney General, that

defendant was not being credited the time spent in State custody against her federal sentence.

In the *Reghi* case, defendant's counsel, Richard D. Gronna, Esq., filed a *Rule 36, FRCP* motion to amend the judgment to reflect the federal sentence to run concurrently with the State sentence that was imposed by the State Court. Said motion was granted by Judge Gillmor on March 15, 2007. *See*, Minutes of that hearing attached hereto as Exhibit "A". Based upon this case authority, defendant in the present case hereby respectfully supplements her *Section 2235* motion to modify, vacate, and/or correct her sentence with the provisions of *Rule 36, FRCP*.

II.

DEFENDANT LESLIE A. KAKINAMI RESPECTFULLY REQUESTS CONCURRENT SENTENCING

Based upon the authority of the *Reghi* case and provisions of *Rule 36, FRCP*, defendant herein respectfully requests this Honorable Court to supplement her *Section 2255* motion with the provisions of *Rule 36, FRCP* to modify the judgment imposed by the Court in this matter on August 22, 2006 to reflect concurrent sentencing with any state sentence imposed by the First Circuit Court on August 28, 2006.

Defendant respectfully requests this Honorable Court to grant the instant motion, but to do so, however, without prejudice to her *Section 2255* motion that she should be considered to have been in federal custody on and from the date of her original sentence, August 22, 2006, and that she should be credited on and from that time.

III.

CONCLUSION

For these reasons and authorities, defendant respectfully requests this Honorable Court to grant the instant motion.

DATED: Honolulu, Hawaii, 4-25, 2007.



CHRISTOPHER R. EVANS, ESQ.
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 05-00373 DAE
)	
Plaintiff,)	
)	CERTIFICATE OF SERVICE
vs.)	
)	
LESLIE A. KAKINAMI,)	
)	
Movant/Defendant.)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of Defendant's supplemental memorandum re: *Rule 36, FRCP* filed 4-25-07 was hand-delivered to the following-named persons on 4-25-07.

By: U.S. Hand
 Mail Delivered

TO: OFFICE OF THE U.S. ATTORNEY
 District of Hawaii
 Room 6100, PJKK Federal Building
 300 Ala Moana Blvd., Box 50183
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[] [X]

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UNITED STATES OF AMERICA

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DEPARTMENT OF THE ATTORNEY GENERAL
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Criminal Justice Division
425 Queen Street
Honolulu, Hawaii 96813

[] [X]

DATED: Honolulu, Hawaii, 4-25, 2007.



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LESLIE A. KAKINAMI